

Office of Personnel Management

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those eligible for 5-point preference will be entered ahead of those not eligible for veteran preference.

(3) An agency must make its selection from not more than the highest three candidates available and may pass over a preference eligible to select a nonpreference eligible only as an exception under paragraph (d) of this section.

(d) *Exceptions.* An agency may make an exception to this subpart and appoint an individual who is not on the RPL or has lower standing than others on the RPL. The exception may be granted only when necessary to obtain an employee for duties that cannot be taken over without undue interruption (as defined in §351.203 of this chapter) to the agency by an individual who is on the RPL or has higher standing than the one appointed. The agency shall notify, in writing, each individual on the RPL who is adversely affected by an appointment under this paragraph of the reasons for the exception and of the right of appeal to the Merit Systems Protection Board.

[53 FR 45067, Nov. 8, 1988, as amended at 60 FR 3060, Jan. 13, 1995]

§ 330.208 Qualification requirements.

(a) Subject to applicable requirements of law and this chapter, an individual is considered qualified for a position if he or she:

(1) Meets OPM-established or approved qualification standards and requirements for the position, including any minimum educational requirements, and any selection placement factors established by the agency;

(2) Is physically qualified, with reasonable accommodation where appropriate, to perform the duties of the position; and

(3) Meets any special qualifying condition that OPM has approved for the position.

(4) Meets any other applicable requirement for appointment to the competitive service.

(b) An agency may make an exception to the qualification standard and adopt an alternative standard under the following conditions (this provision does not authorize waiver of the selection order required by § 330.207):

(1) The exception is applied consistently and equitably in filling a position;

(2) The individual meets any minimum educational requirement for the position; and

(3) The agency determines that the individual has the capacity, adaptability, and special skills needed to satisfactorily perform the duties and responsibilities of the position.

(c) The sex of an individual may not be considered in determining qualifications for a position, except positions for which OPM has determined certification of eligibles by sex is justified.

[53 FR 45067, Nov. 8, 1988, as amended at 60 FR 3061, Jan. 13, 1995]

§ 330.209 Appeals.

An individual who believes that his or her reemployment priority rights under this subpart have been violated because of the employment of another person who otherwise could not have been appointed properly may appeal to the Merit Systems Protection Board under the provisions of the Board's regulations.

Subpart C—Placement Assistance Programs for Displaced Employees

SOURCE: 53 FR 28364, July 28, 1988, unless otherwise noted.

§ 330.301 Coverage.

(a) This subpart covers the Interagency Placement Program for employees who will be displaced or who have been separated from their Federal jobs as a result of agency workforce reductions, compensable on-the-job injury, discontinued service retirement, or disability retirement. Agencies have the primary responsibility for providing placement assistance to their surplus and displaced employees, and for administering career transition assistance programs. OPM supplements these agency efforts by administering the Interagency Placement Program which gives surplus or displaced employees priority referral to positions in other agencies.

(b) The operation of this subpart will be suspended from February 29, 1996

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through September 30, 2001. In the interim, placement assistance will be provided in accordance with subparts B, F, and G of this part. OPM may extend this date if it determines that the Federal Government is still experiencing an emergency downsizing situation.

[62 FR 31320, June 9, 1997, as amended at 64 FR 40508, July 27, 1999]

§ 330.302 OPM Interagency Placement Program.

OPM operates the Interagency Placement Program (IPP) which provides placement assistance to employees who have received a Certification of Expected Separation or specific notice of separation, or who have been separated.

[59 FR 32872, June 27, 1994]

§ 330.303 Eligibility.

(a) [Reserved]

(b) For the IPP, the registrant must:

(1) Be a present or former career or career-conditional employee, or expected employee with competitive status and in tenure group I or II as defined in part 351 of this chapter (except that an employee occupying a Schedule C position as defined in part 213 of this chapter is not entitled to placement assistance);

(2) Be serving in or have been separated from a position in an agency whose personnel system is subject to competitive service requirements;

(3) Have a rating above “unacceptable” on his or her most recent performance rating of record as described in § 351.203 of this chapter (except individuals qualifying under paragraphs (b)(4)(iii) and (b)(4)(v) of this section or those who are in positions excluded from any performance appraisal system by law, regulation or OPM administrative action);

(4) Must be subject to one of the following:

(i) Has received a specific notice of separation under part 351 of this chapter, or a Certification of Expected Separation as provided in § 351.807 of this chapter.

(ii) Has declined a transfer of function to another commuting area or has declined reassignment to another com-

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muting area (as defined in part 351 of this chapter);

(iii) Has fully or partially recovered from a compensable injury in accordance with the provisions of sub-chapter I of chapter 81 of title 5, United States Code, when the agency is unable to restore the employee;

(iv) Has applied for an annuity or has retired under the discontinued service retirement provision in section 8336(d)(1) or 8414(b)(1)(A) of title 5, United States Code; or

(v) Has retired due to disability under section 8337, 8451 or 8457 of title 5, United States Code; and

(5) Must register for the program within time limits specified by OPM.

[53 FR 28364, July 28, 1988, as amended at 59 FR 32872, June 27, 1994]

§ 330.304 Period of eligibility.

Employees registered in the IPP receive 2 years of OPM placement assistance renewable in 6 month increments by the registered employee.

[59 FR 32872, June 27, 1994]

§ 330.305 Placement assistance.

(a) IPP registrants are referred ahead of other candidates when they are qualified and available for vacancies expected to last more than 1 year and that are filled through competitive appointments. No individual may be selected for such a vacancy as long as a qualified IPP registrant is available. Referrals are based on qualifications of registrants.

(b) Placement assistance is nationwide except that registrants who decline transfer or reassignment outside the commuting area may register for placement assistance only within the commuting area of the position from which they will be or were separated. However, these registrants may transfer their eligibility to another commuting area if they later relocate.

(c) A registrant will be referred to vacancies that are at or below the grade level of and have no more promotion potential than the position from which separated. Eligible registrants separated from positions above GS-15 will receive assistance at the GS-15 level and below.